

RECEIVED
CENTRAL FAX CENTER

APR 19 2007

PATENT APPLICATION

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

ATTORNEY DOCKET NO. 200209507-1

IN THE

UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Robert W. Jewell

Confirmation No.: 6785

Application No.: 10/624,779

Examiner: Thomas A. Morrison

Filing Date: 07/22/2003

Group Art Unit: 3653

Title: MEDIA REGISTRATION MECHANISM FOR IMAGE FORMING DEVICE

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 02/19/2007.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

(a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

1st Month
\$120

2nd Month
\$450

3rd Month
\$1020

4th Month
\$1590

The extension fee has already been filed in this application.

(b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 500. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

A duplicate copy of this transmittal letter is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, Alexandria, VA 22313-1450

Date of Deposit:

OR

I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (571)273-8300.

Date of facsimile: 04/19/2007

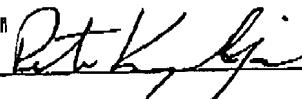
Typed Name: Jackie Bozlek

Signature: Jackie Bozlek

Respectfully submitted,

Robert W. Jewell

By



Peter Kraguljac

Attorney/Agent for Applicant(s)

Reg No.: 38,520

Date : 04/19/2007

Telephone : (216) 348-5843

Docket No. 200209507-1
 Appl. No. 10/624,779
 Appeal Brief dated April 19, 2007

**RECEIVED
 CENTRAL FAX CENTER**

APR 19 2007

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Examiner: Thomas A. Morrison
Robert W. Jewell)	
Serial No.: 10/624,779)	Art Unit: 3653
Filed: July 22, 2003)	
For: MEDIA REGISTRATION MECHANISM FOR IMAGE FORMING DEVICE)	
Date of Final Office Action:)	Attorney Docket No.:
October 20, 2006)	200209507-1
Notice of Appeal Filed)	
February 19, 2007)	

April 19, 2007

APPEAL BRIEF

Mail Stop Appeal Brief – Patents
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

This Appeal Brief is timely provided to support the Notice of Appeal filed February 19, 2007.

CERTIFICATE OF FACSIMILE

Date of Deposit: April 19, 2007

I hereby certify that these papers are being transmitted to The Patent and Trademark Office facsimile number (571) 273-8300 on April 19, 2007.

Jackie Bozink
 Jackie Bozink

04/20/2007 RMEBRAHT 00000063 082025 10624779

01 FC:1402 500.00 DA

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

1. Real Party in Interest:

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

2. Related Appeals and Interferences

There are no other prior and/or pending appeals, interferences, or judicial proceedings that are related to, directly affect, or that will be directly affected by or have a bearing on the Board's decision.

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

3. Status of Claims

Claims 1-23 and 25-29 are pending in the application.

Claims 17-18 and 27-29 were withdrawn from consideration.

Claim 24 was canceled.

Claims 7 and 8 were objected to as being dependent upon a rejection base claim but would be allowable if rewritten in independent form.

Claims 1-6, 9-16, 19-23, 25 and 26 stand rejected.

The rejections of claims 1-6, 9-16, 19-23, 25 and 26 are appealed herein.

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

4. Status of Amendments

No Amendments were filed subsequent to the Final Office Action dated October 20, 2006.

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

5. Summary of Claimed Subject Matter

As used in this Summary, line numbers cited with a paragraph number (e.g. [0012], lines 1-2) refer to the line numbers within the paragraph, and not from the top of the page. If a citation does not include a paragraph number, then the line number refers to the line as counted from the top of the page.

Independent Claim 1

Claim 1 recites a media registration mechanism for aligning print media in an image forming device (see, for example, specification page 2, [0012], lines 1-2 and 7-8; page 3, [0014], lines 1-2; Figure 1, device 100; Figure 2, mechanism 200). The mechanism comprises a registration wall and a plurality of media carriers (see, for example, specification page 3, [0014], lines 2-3 and [0015], line 2; Figures 2, 3, and 6, wall 205 and carriers 210, 215, and 305).

The plurality of media carriers are configured parallel to each other and parallel to the registration wall (see, for example, specification page 3, [0015], lines 6-7; Figures 2, 3, and 6, wall 205 and carriers 210, 215, and 305). Each of the plurality of media carriers is positioned a different distance from the registration wall and configured to move print media in a direction along the registration wall (see, for example, specification page 3, [0015], lines 2-3 and 7-11; Figures 2, 3, and 6, wall 205, carriers 210, 215, and 305, and direction arrow B).

The speed at which each of the plurality of media carriers is configured to move the print media is based on the position of the media carrier relative to the registration wall (see, for example, specification page 6, [0024], lines 5-6; page 8, [0029], lines 4-9). Such configuration of the plurality of media carriers causes the print media to rotate towards and align against the registration wall (see, for example, specification page 4, lines 5-8; Figures 6A-6E).

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

Dependent Claims 6

Claim 6 depends from claim 5 and recites that the drive means comprises a motor coupled to a drive shaft that includes a first pulley having a first diameter and a second pulley having a second diameter that is greater than the first diameter (see, for example, page 4, [0017], lines 3-12). The first belt is in driving engagement with the first pulley and the second belt is in driving engagement with the second pulley (see, for example, page 4, [0019], lines 1-2; page 5, lines 1-2).

Dependent Claim 9

Claim 9 depends from claim 1 and recites that the media registration mechanism further comprises a plurality of motors each coupled to a selected media carrier of the plurality of media carriers for driving each media carrier at different speeds (see, for example, page 4, [0018], lines 1-2).

Independent Claim 10

Claim 10 recites a media steering mechanism for positioning a sheet of media prior to imaging (see, for example, specification page 3, [0014], lines 2 and 4-5; Figure 2, mechanism 200; Figure 3, mechanism 300). The mechanism comprises a fence, a plurality of media carriers, and a drive mechanism (see, for example, specification page 3, [0014], line 3, [0015], line 2; page 4, [0017], lines 2-4; Figures 2, 3, and 6, fence 205, carriers 210, 215, and 310, and drive mechanism 220).

Each of the plurality of media carriers is configured to move the sheet of media in a direction substantially parallel to the fence (specification page 3, [0015], lines 2-3, [0016], lines 1-2; Figures 2, 3, and 6, direction arrow B). Each media carrier is offset a different distance in one direction from the fence (see, for example, specification page 3, [0015], lines 10-11; Figures 2, 3, and 6, fence 205 and carriers 210, 215, and 305).

The drive mechanism drives each media carrier at a different speed (see, for example, specification page 4, [0017], lines 1-3; page 7, [0025], lines 1-3). A first media carrier is

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

driven at a speed that is less than the speed of an adjacent media carrier that is positioned at a greater distance away from the fence (see, for example, specification page 6, [0024], lines 5-6; page 8, [0029], lines 4-9) such that the sheet of media is steered towards the fence to cause an edge of the sheet of media to contact and align against the fence (specification page 4, lines 5-8; Figures 6A-6E).

Dependent Claim 11

Claim 11 depends from claim 10 and recites that the drive mechanism comprises a motor and a drive shaft coupled to the motor, the drive shaft includes different diameter portions configured to drive the plurality of media carriers at different speeds (see, for example, specification page 4, [0017], lines 1-6; Figure 2, motor 225, drive shaft 230 and diameter portions 235, 240).

Independent Claim 12

Claim 12 recites an image forming device (see, for example, specification page 2, [0012], lines 1-2; Figure 1, device 100). The device comprises a media registration mechanism and an image forming mechanism (see, for example, specification page 2, [0012], lines 6-7 and 11-12; Figure 1, mechanism 110 and mechanism 115). The media registration mechanism includes a wall, a first media carrier, and at least a second media carrier (see, for example, specification page 3, [0014], lines 2-3, [0015], lines 1-4; Figures 2, 3, and 6, wall 205 and media carriers 210, 215 and 305).

The first media carrier is oriented substantially parallel to the wall and spaced a first distance apart from the wall. The second media carrier is oriented substantially parallel to the wall and spaced a second distance apart from the wall (see, for example, specification page 3, [0015], lines 6-7; Figures 2, 3, and 6, wall 205 and carriers 210 and 215). The first and second media carriers are configured to steer a sheet of media towards the wall when the first and second media carriers are driven at different speeds and cause an edge of the sheet of media to contact and align against the wall (see, for example, specification page 4, [0016], lines 5-8; page 9, [0034], lines 1-8; Figures 6A-6E).

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

The image forming mechanism is configured to form an image onto the sheet of media once the sheet is received from the media registration mechanism (see, for example, specification page 2, [0012], lines 11-12; Figure 1, mechanism 110 and mechanism 115).

Dependent Claim 14

Claim 14 depends from claim 13 and recites that the drive mechanism comprises a motor coupled to a drive shaft, the drive shaft including a first diameter portion and a second diameter portion that is larger than the first diameter portion (see, for example, page 4, [0017], 1-6; Figure 2, mechanism 220, motor 225, shaft 230, and portions 235, 240). The first media carrier is in driving engagement with the first diameter portion and the second media carrier is in driving engagement with the second diameter portion (see, for example, specification page 4, [0017], lines 1-2; Figure 2, carriers 210, 215, portions 235, 240).

Dependent Claim 15

Claim 15 depends from claim 12 and recites that the media registration mechanism further comprises a first motor coupled to the first media carrier for driving the first media carrier at a first speed and a second motor coupled to the second media carrier for driving the second media carrier at a second speed greater than the first speed (see, for example, page 4, [0018], lines 1-2).

Dependant Claim 16

Claim 16 depends from claim 12 and recites that the image forming mechanism includes a liquid electrophotographic mechanism (see specification page 3, [0013], line 3).

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

Independent Claim 19

Claim 19 recites an image forming device that has a media registration mechanism for aligning print media along a registration wall (see, for example, specification page 2, [0012], lines 1-2, 6-7, and 10-11; Figure 1, device 100 and mechanism 110). The media registration mechanism comprises a first belt and a second belt (see, for example, specification page 3, [0015], lines 1-4; Figures 2, 3, and 6, belts 210 and 215).

The first belt is configured to move print media in a direction substantially parallel to the registration wall (specification page 3, [0016], lines 1-2; Figure 2, direction arrow B, wall 205, and belt 210). The second belt is positioned adjacent to the first belt and configured to move print media in a direction substantially parallel to the registration wall (specification page 4, lines 1-2; Figure 2, direction arrow B, wall 205, and belt 215). The first and second belts are configured such that upon concurrently engaging the print media, the first and second belts cause the print media to move towards the registration wall until a side of the print media contacts and aligns along the registration wall (see, for example, specification page 4, [0016], lines 5-11; page 5, [0020], lines 1-6).

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

6. Grounds of Rejection to be Reviewed on Appeal

The following grounds of rejection are to be reviewed on appeal:

- I. Whether Claims 1-5, 10, 12-13, 19-23 and 25-26 are unpatentable under 35 U.S.C. § 102(b) as being anticipated by Japanese Publication No. 56-113641.
- II. Whether Claims 10 and 11 are unpatentable under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,877,234 (Mandel).
- III. Whether Claims 6, 11 and 14 are unpatentable under 35 U.S.C. 103(a) as being obvious in view of Japanese Publication No. 56-113641 as applied to claims 5, 10 and 13 above, and further in view of U.S. Patent No. 4,717,027 (Laure et al.).
- IV. Whether Claims 9 and 15 are unpatentable under 35 U.S.C. 103(a) as being obvious in view of Japanese Publication No. 56-113641 as applied to claims 1 and 12 above, and further in view of Japanese Publication No. 61-124459.
- V. Whether Claim 16 is unpatentable under 35 U.S.C. 103(a) as being obvious in view of Japanese Publication No. 56-113641 as applied to claim 12 above, and further in view of U.S. Patent No. 6,456,311 (Harush et al.).

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

7. Argument

I. Whether Claims 1-5, 10, 12-13, 19-23 and 25-26 are unpatentable under 35 U.S.C. § 102(b) as being anticipated by Japanese Publication No. 56-113641.

Claims 1-5, 10, 12-13, 19-23 and 25-26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Publication No. 56-113641 (hereinafter "JP 56-113641"). All the independent claims 1, 10, 12 and 19 are involved in this rejection.

35 U.S.C. §102

For a 35 U.S.C. §102 reference to anticipate a claim, the reference must teach each and every element of the claim. Section 2131 of the MPEP recites:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent Claim 1

Claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by JP 56-113641. Appellant respectfully submits that JP 56-113641 fails to teach each and every element in claim 1 and thus fails to support the rejection. As such, the rejection should be reversed.

In particular, claim 1 recites:

a plurality of media carriers configured parallel to each other and parallel to the registration wall . . . each of the plurality of media carriers being configured to move the print media . . . to cause the print media to rotate towards and align against the registration wall.

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

JP 56-113641 teaches a system that is configured differently and operates differently than the media registration mechanism recited in claim 1. JP 56-113641 fails to teach each and every element of claim 1 for the following reasons.

In rejecting claim 1, the Examiner relies on JP 56-113641 Figures 1-5, the English abstract, and an English translation of the end of column 8 to the beginning of column 9. The Examiner specifically cites carrying belts 5a, 5b, as shown and described in JP 56-113641, as reading on the recited media carriers of claim 1 (see Final Office Action dated October 20, 2006, page 2, ¶ 1, ln. 7).

With reference to Figures 3, 4 and 5 and the English abstract, the apparatus of JP 56-113641 includes carrying belts 5a, 5b, a location arranging feeding mechanism 7, and a location arranging reference surface 6. As described in the English abstract, the carrying belts 5a, 5b appear to extract sheets of paper from a sheet accumulating section 1 of the apparatus. The location arranging feeding mechanism 7, as described in the English abstract and best shown in Figure 5, includes a drive roller 10, a feed roller 11, and biasing spring 16, which biases the feed roller 11 into contact with drive roller 10. The feeding mechanism 7, through the contact of the roller 11 to the drive roller 10, causes a paper sheet A to rotate towards and align against the location arranging reference surface 6. The English abstract describes its operation as:

“[a] location arranging feeding mechanism 7 sends the paper sheets to a reading section 2, pushing the side edges A1 of the paper sheets A against a location arranging reference surface 6 and arranging them by the revolution of a drive roller 10 under a condition that the paper sheets are held between the drive roller 10 and the feed roller 11.” (Emphasis added)

The English abstract teaches that the location arranging feeding mechanism 7, and not the carrying belts 5a, 5b, “push[es] the side edges A1 of the paper sheets A against a location arranging reference surface 6.” It appears that the purpose of the carrying belts 5a, 5b is only to extract paper sheets from a sheet accumulating section 1 and to move the sheets toward the feeding mechanism 7. However, once the paper sheets reach the feeding mechanism 7, the paper sheets “are held” between the rollers 10 and 11 of the feeding mechanism 7 (see

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

English Abstract). Therefore at that point, the carrying belts 5a, 5b no longer influence the positioning of the paper because the feeding mechanism 7 holds the paper thereby taking control of the movement of the paper (e.g. speed and direction).

As such, the carrying belts 5a, 5b do not align the paper against the reference surface 6. Accordingly, carrying belts 5a, 5b fail to teach the limitations of the recited media carriers, including "caus[ing] the print media to rotate towards and align against the registration wall." Thus, JP 56-113641 fails to teach the registration mechanism as recited in claim 1 and fails to support an anticipation rejection of claim 1. The rejection is improper and should be reversed.

Although the Examiner did not cite the location arranging feeding mechanism 7 as teaching the limitations of the claimed plurality of media carriers, the Appellant addresses the possibility that the feeding mechanism 7 may be interpreted to support an anticipation rejection of claim 1. Appellant respectfully submits that the feeding mechanism 7 of JP 56-113641 cannot be properly cited as teaching the limitations of the claimed media carriers. JP 56-113641 discloses that the feeding mechanism 7 pushes the side edge A1 of a paper sheet A toward a location arranging reference surface 6. The feeding mechanism 7 accomplishes this task through the positioning of the feed roller 11, which is angled with respect to the reference surface 6 and the carry belts 5a, 5b.

The angled position of the feed roller 11, with respect to the reference surface 6 and the carrying belts 5a, 5b, can be clearly seen in Figure 3. Figure 3 shows a top view of the apparatus, where the feed roller 11 (shown in phantom as a rectangular element) is clearly angled with respect to the reference surface 6 and the carrying belts 5a, 5b.

The angled position of the feed roller 11, with respect to the reference surface 6, is also clearly shown in Figure 5. Figure 5 shows a front partial cross-sectional view of the apparatus. The view of the reference surface 6 indicates the reference surface 6 is perpendicular to the view shown. On the other hand, the view of the feeding mechanism 7 indicates that the feed roller 11 is angled with respect to the view shown. Figure 5 shows the angled positioning of the feed roller 11 by revealing both the side of the feed roller 11 and a

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

side of a supporting bracket 12 supporting the feed roller 11. Thus, Figure 5 discloses that the feed roller 11 is positioned at an angle with respect to the reference surface 6.

Claim 1 recites the limitation of "a plurality of media carriers configured parallel to each other and parallel to the registration wall." The feeding mechanism 7 of JP 56-113641 fails to teach or suggest this limitation. The feeding mechanism 7 is not a "media carrier configured parallel to [other media carriers] and parallel to the registration wall" because the feed roller 11 is positioned at an angle to and, therefore, not parallel to the reference surface 6 or to the carrying belts 5a, 5b.

Accordingly, the feeding mechanism 7 fails to teach all the limitations of the recited media carriers, including "a plurality of media carriers configured parallel to each other and parallel to the registration wall." Thus, the feeding mechanism 7 of JP 56-113641 cannot be relied upon as teaching the elements of media carriers in claim 1 and fails to support an anticipation rejection. Thus, any argument in support of an anticipation rejection based on the feeding mechanism 7 of JP 56-113641 would be insufficient to establish a proper rejection.

As neither the carrying belts 5a, 5b nor the location arranging feeding mechanism 7 are analogous to the media carriers of claim 1, both fail to teach each and every element of claim 1. Therefore, the Appellant respectfully submits that JP 56-113641 fails to teach each and every element of claim 1 and thus fails to support a proper §102 rejection. Therefore, claim 1 patentably distinguishes over JP 56-113641 and the rejection should be reversed.

Appellant notes that these arguments were previously presented in Appellant's response to the May 2, 2006 Non-Final Office Action (Appellant's response is dated August 2, 2006). In the Final Office Action, dated October 20, 2006, the Examiner maintained the §102 rejection without responding to the substance of Appellant's arguments. The citations to Figures 1-5 and the English abstract of JP 56-113641 were simply repeated and no particular rebuttal was provided. On page 11, ¶ 6 of the October 20, 2006 Final Office Action, it states:

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

With regard to the rejection of independent claim 1 in view of the prior art, applicant argues that Japanese Publication No. 56-113641 does not disclose [claimed elements].

The examiner disagrees. Japanese Publication No. 56-113641 discloses [claimed elements]. See Figs. 1-5 and the English Abstract of Japanese Publication No. 56-113641.

Appellant filed detailed arguments showing that the carrying belts 5a, 5b fail to teach the limitations of media carriers as recited in claim 1 (as well as the other claims). In addition, Appellant filed detailed arguments showing that the location arranging feeding mechanism 7 also fails to teach the limitations of media carriers as recited in claim 1. However, nothing more than a conclusory rejection was provided, which did not discuss or argue why the carrying belts 5a and 5b read on claim 1 (or the other claims). The only reasoning was a repeated citation to Figures 1-5 and the English abstract of the JP 56-113641. Specifically, the rejection failed to respond in a substantive way to Appellant's arguments filed with the August 2, 2006 Response, which MPEP 707.07(f) states should be performed.

MPEP 707.07(f), third paragraph, states:

Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it.

In this case, Appellant traversed the rejections of all claims, and in response the Examiner repeated the rejections but did not answer the substance of Appellant's traversal. Therefore it appears that the Examiner found no sufficient rationale to answer the traversal and thus no further justification to support a conclusion that the JP 56-113641 anticipates the claims. JP 56-113641 fails to support a proper §102 rejection for this additional reason and the rejection of claim 1 should be reversed.

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

Claim 1 not anticipated based on MPEP 2114

With regard to the general appropriateness of the use of the JP 56-113641 reference, MPEP 2114 provides guidelines for determining a proper §102 rejection. Appellant respectfully submits that JP 56-113641 fails to anticipate the claims based on MPEP 2114. For example, MPEP 2114, third paragraph, states:

A PRIOR ART DEVICE CAN PERFORM ALL THE FUNCTIONS OF THE APPARATUS CLAIM AND STILL NOT ANTICIPATE THE CLAIM

Even if the prior art device performs all the functions recited in the claim, the prior art cannot anticipate the claim if there is any structural difference. [Emphasis added]

JP 56-113641 has a structural difference from claim 1 and thus, based on this rule, does not support a proper anticipation rejection. JP 56-113641 includes a feeding mechanism 7 (English abstract and Figures 3, 4, and 5) that creates a different structure than what is recited in claim 1. Since the feeding mechanism 7 is required in the structure of apparatus disclosed in JP 56-113641, the structure is different than the structure recited in claim 1. Therefore, JP 56-113641 fails to support the rejection and the rejection should be reversed.

Looking to another paragraph of MPEP 2114, the first paragraph states:

APPARATUS CLAIMS MUST BE STRUCTURALLY DISTINGUISHABLE FROM THE PRIOR ART

While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997) (The absence of a disclosure in a prior art reference relating to function did not defeat the Board's finding of anticipation of claimed apparatus because the limitations at issue were found to be inherent in the prior art reference).

For the same reasons as above, JP 56-113641 requires a feeding mechanism 7, which is a structural difference from what is recited in claim 1. Therefore, claim 1 is not anticipated and the rejection of claim 1 should be reversed. The Office Action cannot ignore the actual

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

structure of the JP 56-113641 and cannot ignore the feeding mechanism 7 in an attempt to support a §102 rejection. Such a rejection cannot stand.

Advisory Action

In response to the above arguments, the Advisory Action states that it "does not matter" what elements in JP 56-113641 contribute to the movement of the print media because claim 1 uses the word "comprising." Appellant notes that each and every element of a claim is relevant, each element matters, and each element must be shown in the claimed configuration by a reference in order to be anticipated. If the rejections have been based on a principle that it "does not matter" what elements are involved, then the rejections are per se improper and cannot stand. Relying on position that the claim is "open ended" due to the word "comprising" fails provide any legal support to maintain the rejection.

For the reasons stated above, JP 56-113641 fails to establish a prima facie anticipation rejection of claim 1 under 35 U.S.C. § 102(b). Therefore, the rejection of claim 1 should be reversed. Accordingly, claims 2-5, as depending from claim 1, also patentably distinguish over JP 56-113641.

Independent Claim 10

Claim 10 stands rejected under 35 U.S.C. §102(b) as being anticipated by JP 56-113641. Appellant respectfully submits that JP 56-113641 fails to teach each and every element in claim 10 and thus fails to support the rejection. As such, the rejection should be reversed. In particular, claim 10 recites:

each of the media carriers configured to move the sheet of media in a direction substantially parallel to the fence . . . a drive mechanism for driving each of the media carriers . . . such that the sheet of media is steered towards the fence to cause an edge of the sheet of media to contact and align against the fence.

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

As explained in the arguments directed to claim 1, the location arranging feeding mechanism 7 of JP 56-113641 moves the paper into contact with the reference surface 6. Thus, the system of JP 56-113641 is not configured where the carrying belts 5a, 5b move the paper to contact and align against the reference surface 6. Therefore, carrying belts 5a, 5b fail to teach the recited drive mechanism for driving media carriers "such that the sheet of media is steered towards the fence to cause an edge of the sheet of media to contact and align against the fence."

Also as explained in the arguments directed to claim 1, the location arranging feeding mechanism 7 does not qualify as the recited media carriers and fails to cure the deficiencies of the carrying belts. The feeding mechanism 7 is angled toward reference surface 6 and thus does not meet the limitation "each of the media carriers configured to move the sheet of media in a direction substantially parallel to the fence."

Therefore, JP 56-113641 fails to teach each and every element of claim 10 and thus fails to support a proper §102 rejection of claim 10. Claim 10 thus patentably distinguishes over JP 56-113641 and the rejection should be reversed.

Based on the explanation above and reference to MPEP 2114, the apparatus of JP 56-113641 is structurally different than the claimed apparatus due to the necessity of the feeding mechanism 7. As such, the JP 56-113641 fails to support a proper §102 rejection and the rejection cannot stand.

For the reasons stated above, JP 56-113641 fails to establish a *prima facie* anticipation rejection of claim 10 under 35 U.S.C. § 102(b). The rejection should be reversed and claim 10 allowed.

Independent Claim 12

Claim 12 stands rejected under 35 U.S.C. §102(b) as being anticipated by JP 56-113641. Appellant respectfully submits that JP 56-113641 fails to teach each and every

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

element in claim 12 and thus fails to support the rejection. As such, the rejection should be reversed.

In particular, claim 12 recites:

a first media carrier oriented substantially parallel to and spaced a first distance apart from the wall; at least one second media carrier oriented substantially parallel to and spaced a second distance apart from the wall, the first media carrier and the at least one second media carrier being configured to steer a sheet of media towards the wall . . . causing an edge of the sheet of media to contact and align against the wall.

As argued with respect to claim 1, the carrying belts 5a, 5b of JP 56-113641 do not cause the paper to contact and align against the reference surface 6. Accordingly, carrying belts 5a, 5b fail to teach all limitations of the recited media carriers, including "media carrier being configured to steer a sheet of media towards the wall . . . causing an edge of the sheet of media to contact and align against the wall." Thus, JP 56-113641 fails to support the §102 rejection and the rejection should be reversed.

Also as explained in the arguments directed to claim 1, the location arranging feeding mechanism 7 does not qualify as the recited media carriers and fails to cure the deficiencies of the carrying belts. The feeding mechanism 7 is angled with respect to the reference surface 6 and thus does not meet the limitation "media carrier oriented substantially parallel to . . . the wall."

As discussed above and with reference to MPEP 2114, the system of JP 56-113641 requires a feeding mechanism 7, which is a structural difference from the recited structure of claim 12. Thus, the §102 rejection is improper and should be reversed.

For the reasons stated above, JP 56-113641 fails to establish a *prima facie* anticipation rejection of claim 12 under 35 U.S.C. § 102(b). The rejection of claim 12 should be reversed. Accordingly, claim 13, as depending from claim 12, also patentably distinguish over JP 56-113641.

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

Independent Claim 19

Claim 19 stands rejected under 35 U.S.C. §102(b) as being anticipated by JP 56-113641. Appellant respectfully submits that JP 56-113641 fails to teach each and every element in claim 19 and thus fails to support the rejection. As such, the rejection should be reversed.

In particular, claim 19 recites:

a first belt configured to move print media in a direction substantially parallel to the registration wall; a second belt, positioned adjacent to the first belt, configured to move the print media in the direction substantially parallel to the registration wall; and the first and second belts configured to cause the print media to move towards the registration wall upon concurrently engaging the print media, until a side of the print media contacts and aligns along the registration wall.

As explained with respect to claim 1, the carrying belts 5a, 5b of JP 56-113641 do not move the paper until a side of the paper contacts and aligns along the reference surface 6. Once the feeding mechanism 7 holds the paper, movement is controlled by the feeding mechanism 7, not the carrying belts 5a, 5b. Accordingly, carrying belts 5a, 5b fail to teach all the limitations of the recited first and second media carriers, including "first and second belts configured to cause the print media to move towards the registration wall. . . until a side of the print media contacts and aligns along the registration wall." Thus, the JP reference fails to support the §102 rejection and the rejection should be reversed.

In addition, the location arranging feeding mechanism 7 does not qualify as the recited first or second belts. The location arranging feeding mechanism 7 includes a pair of rollers 10 and 11 and, therefore, is not a belt. Thus, the feeding mechanism 7 of JP 56-113641 cannot support the §102 rejection.

Therefore, JP 56-113641 fails to teach each and every element of claim 19 and thus fails to support a proper §102 rejection of claim 19. The rejection should be reversed and claim 19 allowed.

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

As discussed above and with reference to MPEP 2114, the JP 56-113641 requires a feeding mechanism 7, which is a structural difference from the recited structure of claim 19. Thus, the §102 rejection is improper and should be reversed.

For the reasons stated above, JP 56-113641 fails to establish a *prima facie* anticipation rejection of claim 19 under 35 U.S.C. § 102(b). The rejection of claim 19 should be reversed. Accordingly, the rejections of claims 20-23 and 25-26, as depending from claim 19, should also be reversed.

II. Whether Claims 10 and 11 are unpatentable under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,877,234 (Mandel).

Claims 10 and 11 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,877,234 (Mandel). Appellant respectfully submits that Mandel fails to teach each and every element of claim 10 and thus fails to support the rejection. Mandel fails to teach each and every element for the following reasons.

Mandel teaches in Figure 2 a sheet turning and registration system 10 comprising a driven crowned roller 21 and a bearing 28, which operate at different speeds when the bearing 28 is stopped and the crowned roller 21 continues to rotate. The difference in speed of the bearing 21 and crowned roller 28 "cause the sheet to pivot about the nip that has stopped rotating" (see column 3, lines 1-3 of Mandel). Thus, neither the stopped bearing 28 nor the rotating crowned roller 21 teach the limitation of "move[ing] the sheet of media in a direction substantially parallel to the fence."

In addition, neither the bearing 28 nor the crowned roller 21 teach or suggest the limitation of steering the media "towards the fence to cause an edge of the sheet of media to contact and align against the fence." Rather, Mandel teaches that a different component, a scuffer roller 30, performs registration. Mandel states:

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

[w]hen the sheet leaves the crowned roller nips, it is registered in a landscape position by the scuffer roll 30... (Mandel, Column 3, lines 12-14)

A separate scuffer roller registers the rotated sheet after it has been released from the rolls. (Mandel abstract)

Since the scuffer roller 30 registers the sheet "after the sheet leaves the rolls," roller 21 and bearing 28 fail to teach media carriers that "cause an edge of the sheet of media to contact and align against the fence" and thus fail to support the rejection.

Additionally, the scuffer roller 30 fails to teach or suggest the limitations of the recited media carriers and drive mechanism of claim 10. The scuffer roller 30 does not teach the element of "a drive mechanism for driving each of the media carriers at different speeds." There is no discussion in Mandel of the speed of scuffer roller 30 or how such a speed would relate to the speed of the bearing 21 and crowned roller 28.

Therefore, Appellant respectfully submits that Mandel fails to teach all the elements of claim 10 and a proper §102 rejection has not been established. The rejection should be reversed.

Appellant further submits that Mandel's scuffer roller 30 is a structural difference with respect to the apparatus recited in claim 10. Based on MPEP 2114, which states, "the prior art cannot anticipate the claim if there is any structural difference," Mandel fails to support a proper §102 rejection and the rejection should be reversed.

For the reasons stated above, Mandel fails to establish a *prima facie* anticipation rejection of claim 10 under 35 U.S.C. § 102(b). Therefore, the rejection of claim 10 should be reversed. Accordingly, the rejection of claim 11, as depending from claim 10, should also be reversed.

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

III. Whether Claims 6, 11 and 14 are unpatentable under 35 U.S.C. 103(a) as being obvious in view of JP 56-113641 as applied to claims 5, 10 and 13 above, and further in view of U.S. Patent No. 4,717,027 (Laure et al.).

Claims 6, 11, and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over JP 56-113641 as applied to claims 5, 10, and 13, and further in view of U.S. Patent No. 4,717,027 (Laure et al.). Claim 6 depends from claim 5, claim 11 depends from claim 10, and claim 14 depends from claim 13.

35 U.S.C. §103(a)

For a 35 U.S.C. §103(a) references to render a claim obvious, the reference must teach or suggest all the elements of the claim. Section 2143 of the MPEP recites:

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (Emphasis added.)

Appellant respectfully submits that the combination of JP 56-113641 and Laure fail to teach or suggest all the claimed limitations of claims 6, 11, and 14 and thus fails to support the rejection. As such, the rejection should be reversed.

With regard to claims 5, 10 and 13, it has been shown that JP 56-113641 does not teach the limitations of parallel media carriers configured to cause a print media to align against a registration wall or a drive mechanism for driving each media carrier at a different speed to align print media sheet media against a fence. Therefore, JP 56-113641 has not been applied to claims 5, 10, and 13 to show that JP 56-113641 reads on those claims. As claims 6, 11, and 14 depend from claims 5, 10, and 13, each dependant claim recites a limitation related

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

to a media carriers or a drive mechanism that has been shown to patentably distinguish over JP 56-113641.

As Laure is directed to a drive and pulley system, Laure fails to cure the shortcomings of JP 56-113641. Therefore, claims 6, 11, and 14 patentably distinguish over the combination of JP 56-113641 and Laure.

Accordingly, Appellant respectfully submits that a combination of JP 56-113641 and Laure still fails to teach or suggest all the elements of claims 6, 11, and 14, and a prima facie obviousness rejection has not been established. Therefore, the rejection of claims 6, 11, and 14 in view of JP 56-113641 and Laure should be reversed.

IV. Whether Claims 9 and 15 are unpatentable under 35 U.S.C. 103(a) as being obvious in view of Japanese Publication No. 56-113641 as applied to claims 1 and 12 above, and further in view of Japanese Publication No. 61-124459.

Claims 9 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 56-113641 as applied to claims 1 and 12, and further in view of Japanese Publication No. 61-124459 (hereinafter JP 61-124459). Claim 9 depends from claim 1 and claim 15 depends from claim 12.

Since JP 56-113641 fails to teach or suggest the independent claims 1 and 12, it also fails to teach or suggest dependent claims 9 and 15. JP 61-124459 is directed to correcting the inclination of a sheet of paper by increasing or reducing conveying speeds (see Purpose). Therefore, JP 61-124459 fails to cure the shortcomings of JP 56-113641. Accordingly, Appellant respectfully submits that a combination of JP 56-113641 and JP 61-124459 still fails to teach or suggest all the elements of claims 9 and 15, and a prima facie obviousness rejection has not been established. The rejection should be reversed.

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

V. Whether Claim 16 is unpatentable under 35 U.S.C. 103(a) as being obvious in view of Japanese Publication No. 56-113641 as applied to claim 12 above, and further in view of U.S. Patent No. 6,456,311 (Harush et al.).

Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 56-113641 and as applied to claim 12, and further in view of U.S. Patent No. 6,4546,311 (Harush et al.). Since it has been shown that the disclosure of JP 56-113641 fails to teach independent claim 12, it then follows that it fails to be the basis of a proper obviousness rejection for its dependent claim 16. Thus, the rejection should be reversed.

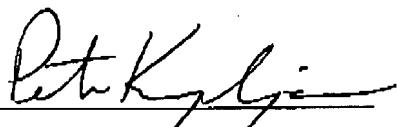
CONCLUSION

For the reasons set forth above, Appellant respectfully believes that all pending claims 1-16, 19-23, and 25-26 patentably and unobviously distinguish over the references of record and that the rejections should be revered. Appellant respectfully requests that the Board of Appeals overturn the Examiner's rejections and allow all pending claims. An early allowance of all claims is earnestly solicited.

Respectfully submitted,

APRIL 19, 2007

Date



Peter Kraguljac (Reg. No. 38,520)
(216) 348-5843
McDonald Hopkins LLC
600 Superior Avenue, E.
Cleveland, OH 44114

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

8. **Claims Appendix**

1. A media registration mechanism for aligning print media in an image forming device, the mechanism comprising:

a registration wall;

a plurality of media carriers configured parallel to each other and parallel to the registration wall, each of the plurality of media carriers being positioned a different distance from the registration wall and configured to move print media in a direction along the registration wall; and

each of the plurality of media carriers being configured to move the print media at a speed based on a position of each of the plurality of media carriers relative to the registration wall to cause the print media to rotate towards and align against the registration wall.

2. The media registration mechanism of claim 1 wherein the plurality of media carriers include a plurality of belts.

3. The media registration mechanism of claim 1 wherein a first media carrier of the plurality of media carriers positioned closer to the registration wall is configured to move the print media at a slower speed than a second media carrier of the plurality of media carriers positioned farther away from the registration wall.

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

4. The media registration mechanism of claim 1 wherein the plurality of media carriers includes at least a first belt and a second belt, the first belt being positioned between the second belt and the registration wall.

5. The media registration mechanism of claim 4 further comprising a drive means coupled to the plurality of media carriers for driving the plurality of media carriers at different speeds.

6. The media registration mechanism of claim 5 wherein the drive means comprises a motor coupled to a drive shaft including a first pulley having a first diameter and a second pulley having a second diameter that is greater than the first diameter wherein the first belt is in driving engagement with the first pulley and the second belt is in driving engagement with the second pulley.

7. The media registration mechanism of claim 6 further comprising:
a first idler shaft and a second idler shaft wherein the drive shaft is positioned between the first idler shaft and the second idler shaft,
the first and second idler shafts each include a first bearing and a second bearing wherein the first belt is in driving engagement with each of the first bearings of the first and second idler shafts and the second belt is in driving engagement with each of the second bearings of the first and second idler shafts.

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

8. The media registration mechanism of claim 7 wherein the first diameter of the first pulley is between about 1% and about 5% less than the second diameter of the second pulley such that a speed of the second belt is between about 1% and about 5% less than a speed of the first belt.
9. The media registration mechanism of claim 1 further comprising a plurality of motors each coupled to a selected media carrier of the plurality of media carriers for driving each media carrier at different speeds.
10. A media steering mechanism for positioning a sheet of media prior to imaging, the mechanism comprising:
 - a fence;
 - a plurality of media carriers, each of the media carriers configured to move the sheet of media in a direction substantially parallel to the fence, each of the media carriers being offset a different distance from the fence in one direction; and
 - a drive mechanism for driving each of the media carriers at different speeds where a first media carrier from the plurality of media carriers is driven at a speed less than an adjacent media carrier from the plurality of media carriers that is positioned a greater distance away from the fence such that the sheet of media is steered towards the fence to cause an edge of the sheet of media to contact and align against the fence.

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

11. The media steering mechanism of claim 10 wherein the drive mechanism comprises a motor and a drive shaft coupled to the motor, the drive shaft including different diameter portions configured to drive the plurality of media carriers at different speeds.

12. An image forming device comprising:
a media registration mechanism including:
a wall,
a first media carrier oriented substantially parallel to and spaced a first distance apart from the wall,

at least one second media carrier oriented substantially parallel to and spaced a second distance apart from the wall,
the first media carrier and the at least one second media carrier being configured to steer a sheet of media towards the wall when the first and second media carriers are driven at different speeds causing an edge of the sheet of media to contact and align against the wall;
and
an image forming mechanism configured to form an image onto the sheet of media once received from the media registration mechanism.

13. The image forming device of claim 12 wherein the media registration mechanism further comprises a drive mechanism coupled to the first and second media carriers for driving the first media carrier at a first speed and the second media carrier at a second speed greater than the first speed of the first media carrier.

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

14. The image forming device of claim 13 wherein the drive mechanism comprises a motor coupled to a drive shaft, the drive shaft including a first diameter portion and a second diameter portion that is larger than the first diameter portion wherein the first media carrier is in driving engagement with the first diameter portion and the second media carrier is in driving engagement with the second diameter portion.
15. The image forming device of claim 12 wherein the media registration mechanism further comprises a first motor coupled to the first media carrier for driving the first media carrier at a first speed and a second motor coupled to the second media carrier for driving the second media carrier at a second speed greater than the first speed of the first media carrier.
16. The image forming device of claim 12 wherein the image forming mechanism includes a liquid electrophotographic mechanism.
17. (Withdrawn)
18. (Withdrawn)
19. An image forming device having a media registration mechanism for aligning print media along a registration wall, the mechanism comprising:
 - a first belt configured to move print media in a direction substantially parallel to the registration wall;

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

a second belt, positioned adjacent to the first belt, configured to move the print media in the direction substantially parallel to the registration wall; and

the first and second belts configured to cause the print media to move towards the registration wall upon concurrently engaging the print media, until a side of the print media contacts and aligns along the registration wall.

20. The image forming device of claim 19 wherein the first media carrier is configured to move the print media at a first speed and the second media carrier is configured to move the print media at a second speed different from the first speed.

21. The image forming device of claim 20 wherein the first media carrier is positioned between the second media carrier and the registration wall and wherein the first speed is less than the second speed.

22. The image forming device of claim 19 wherein the first media carrier, the second media carrier and the registration wall are substantially parallel to each other.

23. The image forming device of claim 19 wherein the first media carrier is positioned between the second media carrier and the registration wall and being configured to cause a drag in the movement of the print media relative to the second media carrier.

24. (Canceled)

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

25. The image forming device of claim 19 further including a drive means for moving the first media carrier at a first speed and for moving the second media carrier at a second speed different than the first speed.

26. The image forming device of claim 19 further including at least a third media carrier adjacent to the first and second media carriers.

27. (Withdrawn)

28. (Withdrawn)

29. (Withdrawn)

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

9. Evidence Appendix

None. There is no extrinsic evidence.

Docket No. 200209507-1
Appl. No. 10/624,779
Appeal Brief dated April 19, 2007

10. Related Proceedings Appendix

None. There are no related proceedings.